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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/605,875 | 11/03/2003 | Robert R. Norris | 718395.43 | 2874 |
| 27128 | 7590 | 01/25/2005 | EXAMINER | |
| BLACKWELL SANDERS PEPER MARTIN LLP | | | DEVORE, PETER T | |
| 720 OLIVE STREET | | | | |
| SUITE 2400 | | | ART UNIT | |
| ST. LOUIS, MO 63101 | | | PAPER NUMBER | |
| | | | 3751 | |

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/605,875 | Applicant(s) NORRIS ET AL. ED | |
| | Examiner Peter T deVore | Art Unit 3751 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-24, 26, 27, 29-35, 37, 39 and 40 is/are rejected.
- 7) ☒ Claim(s) 9, 25, 28, 36 and 38 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/18 and 12/10/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8, 10, 11, 13, 14, 18, 21-24, 26, 27, 31, 32, 34, 35, 37, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,060,910 (Iwata).

The Iwata reference discloses a valve comprising a stepper motor 10, a first valve portion 44, a second valve portion 43, a third valve portion 13, a first member/screw 27, a second member having a first portion/plunger (26 and 30) and a second portion 48, a housing (40 and 12), a biasing mechanism/return spring 36, a cover 16, and a terminal connector (see Figure 1). Regarding claims 31, 32, 34, 35, 37, and 40, the claimed methods are inherently performed during the normal use of the Iwata valve.

Claims 1, 5-8, 10-18, 21, 22, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,460,567 (Hansen).

Art Unit: 3751

The Hansen reference discloses a valve comprising a stepper motor 40, a first valve portion 13, a second valve portion 15, a third valve portion (16, 52, 60), a first member/screw 43, a second member having a first portion/plunger (30) and a second portion 22, a housing 46a cover (50 and protrusion 36, and O-rings/rectangular portions 17 (within C-shaped portions). Regarding claim 31, the claimed method is inherently performed during the normal use of the Hansen valve.

Claims 1-6, 8, 10, 11, 13, 14, 18-24, 26, 27, 29-35, 37, 39, and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,679,201 (Murakami).

The Hansen reference discloses a valve comprising a stepper motor 23, a first valve portion 24, a second valve portion 26, a third valve portion (portion which cover 8 screws into), a first member/screw 23a, a second member having a first portion/plunger and a second portion (see Figure 2), a cover 8, a spring (see Figure 2), and a housing (the engine compartment). Regarding claims 31-35, 37, 39, and 40, the claimed methods are inherently performed during the normal use of the Murakami valve.

Allowable Subject Matter

Claims 9, 25, 28, 36, and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

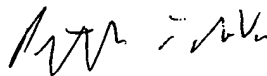
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter T deVore whose telephone number is (703) 306-5481. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (703) 308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pd/v

A handwritten signature in black ink, appearing to be 'P. T. deVore'.